HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 471/2001
(Old No. 232 of 1993)

Datatraya Ashram ……Revisionist

Vs.

State of U.P. and other …….Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri H.C.Pandey learned A.G.A. for the State and perused the record.

By means of this revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') the propriety and legality of the order dated 1.2.1993 passed by the IInd Addl. Sessions Judge, Dehradun in criminal revision no. 78/1990 has been questioned.

From the perusal of the order, it is evident that the dispute pertain to the change of Supardar. There was some compliant against the person who had earlier been appointed as Supardar therefore the aggrieved party had had reason to change the Supardar according to law and in view of the same the learned Sessions Judge has rightly directed the Magistrate to consider the issue of change of Supardar according to law on merit after giving notice to all the parties concerned. The impugned order does not suffer from vice of impropriety or illegality and therefore the revision devoid of merit and the same is dismissed. Stay order dated 17.2.1993 is vacated.

(Irshad Hussain, J.)

Date 24.4.2004
Rawat